

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:07-HC-2099-FL

FILED

MAY 04 2011

DENNIS P. IAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLK

DAVID LOUIS RICHARDSON, )

Petitioner, )

v. )

ORDER

STATE OF NORTH CAROLINA AND )  
ROBERT SMITH, )

Respondents. )

The matter comes before the court on petitioner's motion (DE #81), filed on March 28, 2011. In his motion, petitioner states that the court failed to comply with the Fourth Circuit Court of Appeals' remand instruction to dismiss his petition, and requests that the court now comply. However, on December 2, 2009, the court entered an order denying his petition with prejudice. Because the court has complied with the Fourth Circuit's remand instruction, petitioner's motion (DE # 81) is DENIED AS MOOT.

SO ORDERED, this the 30<sup>th</sup> day of April, 2011.

  
LOUISE W. FLANAGAN  
Chief United States District Judge